

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 1319.

(Given pursuant to section 4 of the Food and Drugs Act.)

### ALLEGED MISBRANDING OF MUSTARD.

On December 5, 1910, the United States Attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Mount Pickle Co., a corporation, Salt Lake City, Utah, alleging shipment by it, in violation of the Food and Drugs Act, on or about November 19, 1909, from the State of Utah into the State of Montana of a quantity of mustard which was misbranded. The product was labeled: "Moutarde Imperiale aux fine herbes. Mount Pickle Co. Seuls Fabricants autorisés. Salt Lake City, Utah. Medaille D'Argent 1850. Medaille D'Or 1885. Serial No. 5590."

Analysis of a sample of said product by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Water (including volatile oil), 80.45 per cent; ash, 2.18 per cent; carbohydrates as starch (acid conversion), 3.34 per cent; crude fiber, 1.67 per cent; protein (N  $\times$  6.25), 3.69 per cent; fat (by difference), 8.67 per cent; chlorine as NaCl, 1.17 per cent; product highly colored with turmeric and a coal-tar dye, apparently Naphthol Yellow S. Calculated to water-fat-salt-free basis: Carbohydrates as starch, 34.4 per cent; crude fiber, 17.2 per cent; protein, 38 per cent. Misbranding was alleged for the reason that the statements appearing in French on the labels, to wit: "Moutarde Imperiale aux fine herbes. Seuls Fabricants autorisés," and the two designs bearing the words and figures: "Medaille D'Argent 1850" and "Medaille D'Or 1885" purported that the product was of foreign manufacture, when in fact it was not such, but a domestic product manufactured in the United States, and the form of label was therefore false and misleading and calculated to mislead and deceive the purchaser.

On April 3, 1911, the defendant filed a general demurrer to the information and on April 17, 1911, the court, after hearing argument thereon, sustained the same and dismissed the case.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 23, 1912.*